



**Testimony of J. Richard Cohen, President, Southern Poverty Law Center
Before the Subcommittees on Crime, Terrorism, and Homeland Security
and on
the Constitution, Civil Rights, and Civil Liberties
Committee on the Judiciary
U.S. House of Representatives
June 12, 2007**

Thank you, Messrs. Chairmen and Members of the Subcommittees, for the opportunity to be here today to testify in support of the Emmett Till Unsolved Civil Rights Crime Act (HR 923).

My name is Richard Cohen. I'm the president of the Southern Poverty Law Center (SPLC), a civil rights organization founded in 1971 and located in Montgomery, Alabama. In 1989, we built the Civil Rights Memorial in Montgomery, the birthplace of the modern civil rights movement, to honor the lives and memories of those who were slain during the movement from 1954 to 1968. Inscribed on the Memorial are the names of 40 martyrs, including Emmett Till; however, we know from our research that many more people lost their lives to racial violence during that era. At the time the Memorial was dedicated, the killers in most of the cases chronicled on the Memorial had not been prosecuted or convicted, and today, there are many cases that still cry out for justice. For these reasons, the Memorial serves as a reminder, not only of the sacrifices made during the civil rights era, but also of its terrible injustices.

The dedication of the Memorial sparked renewed interest in the civil rights era cases from a number of courageous prosecutors. But there has never been the kind of institutionalized effort that is needed to address the historic injustices that occurred during that era – an era when the criminal justice system in much of our country was corrupted by racial bigotry and the lives of the African American citizens of our democracy were not protected. If we are to address the injustices of the civil rights era before they become permanent scars on our nation's history, the passage of legislation mandating a sustained, well-coordinated and well-funded effort to investigate and prosecute racially motivated slayings from the civil rights era is essential.

We decided to build the Civil Rights Memorial after litigating a case against the United Klans of America, the group responsible for some of the most horrific violence during the civil rights era. In 1981, members of the United Klans, angry over a jury's failure to return a verdict against a black defendant accused of killing a white police officer, decided to lynch a black man to show that the Klan was still alive and well in Alabama. Their victim was Michael Donald, a college student who had the misfortune of being on a public street while Klansmen drove by looking for potential victims. They abducted Michael, beat him mercilessly, cut his throat, and hung him from a tree for the world to see their "handiwork." The local leader of the Klan described the scene as "a pretty sight."

Ignoring the fact that Michael Donald had led an exemplary life, local law enforcement officials initially attributed the killing to the illegal drug trade. But spurred on by local activists and the persistence of Assistant U.S. Attorney Thomas Figures, federal prosecutors eventually broke the case. One Klansman pled guilty to the killing in federal court and was sentenced to a long prison term. Another Klansman was found guilty of capital murder in state court and was later executed.

We followed the case closely and were convinced that other parties should be held responsible. In 1984, we filed a civil action on behalf of Michael's mother, Beulah Mae Donald, against the United Klans itself as well as a number of additional Klan members. At the trial in 1987, we proved that the plan to lynch a random black victim was hatched at a meeting of the United Klans. We also established that United Klans had a long history of carrying out its goals by violent means. We presented evidence: (1) that its members had blown up Birmingham's Sixteenth Street Baptist Church in 1963, killing four young black girls – Addie Mae Collins, Denise McNair, Carole Robertson, and Cynthia Wesley; (2) that the group had murdered civil rights activist Viola Liuzzo during the Selma-to-Montgomery march in 1965; and, (3) that its members had beaten the Freedom Riders in Montgomery in 1961. (Congressman John Lewis was among those beaten at the bus terminal.) An all-white jury in Mobile returned a verdict for \$7 million in our favor against all the defendants, including the United Klans. As a result of the verdict, the United Klans disbanded and was forced to deed its headquarters to Mrs. Donald.

After the Donald verdict, my colleague Morris Dees was invited to speak to an NAACP convention in Mobile. At the close of his remarks, Morris said that he hoped that Michael Donald's name would be remembered along with the names of Dr. Martin Luther King Jr., Medgar Evers, Emmett Till and the other martyrs of the civil rights movement. After the speech, young people came up to Morris and said that they knew of Dr. King, of course, but weren't familiar with the names of the other civil rights martyrs that he had mentioned. On his way home that night, Morris decided that we should build a memorial to the martyrs of the movement so that their sacrifices would never be forgotten.

In preparing to build the Civil Rights Memorial, we researched deaths between 1954, the year of *Brown v.*

Board of Education, and April 4, 1968, the date of Dr. King's assassination. We looked for victims who fit at least one of three criteria: (1) They were murdered because they were active in the civil rights movement; (2) They were killed by organized hate groups as acts of terror aimed at intimidating blacks and civil rights activists; or, (3) Their deaths, like the death of Emmett Till, helped to galvanize the movement by demonstrating the brutality faced by African Americans in the South.

In some sense, the dates we chose were arbitrary. The civil rights movement clearly began before the Supreme Court's landmark school desegregation decision in 1954, and it did not end with Dr. King's death in 1968. We knew that by choosing specific dates, we would leave out certain victims, such as Harry Moore, an NAACP official who died along with his wife, Harriette, in the Christmas night bombing of their home in Mims, Florida, in 1951. But we felt like we should choose a timeframe bounded by well-known historic events.

To identify victims fitting the criteria we selected, we solicited information from civil rights activists, authors, and journalists. We combed through newspaper archives and books on the era. We reviewed files and other materials at the Southern Regional Council in Atlanta; Tuskegee Institute in Alabama; state archives in Mississippi and Alabama; the U.S. Library of Congress; the Birmingham Public Library's Southern History collection; the Center for the Study of Southern Culture at the University of Mississippi; and the Martin Luther King Jr. Center for Nonviolent Social Change in Atlanta. The Library of Congress research included searches through the papers of the Student Nonviolent Coordinating Committee, the Congress of Racial Equality and the NAACP. We also filed Freedom of Information Act requests to obtain FBI files on individual deaths. The archives of *The New York Times* were particularly useful. A day-by-day search of its pages on microfilm turned up many deaths that had not been covered by local newspapers. A wealth of information also was found at the Southern Regional Council. This research became the basis for our book "Free at Last: A History of the Civil Rights Movement and Those Who Died in the Struggle." I'm providing copies to the Members of the Subcommittees.

Our research yielded the names of 40 people who fit the criteria we had established. They ranged in age from 11 to 66. Seven were white, and 33 were black. They came from all walks of life – students, farmers, ministers, truck drivers, a homemaker and a Nobel laureate. These are the names inscribed on the black granite of the Memorial, which was designed by Maya Lin.

But there were many, many other victims besides the 40 who are remembered on the Memorial. While we were conducting our research, we discovered the names of approximately 75 other people who died violently between 1952 and 1968 under circumstances suggesting that they were victims of racial violence. We did not add their names to the Memorial because their deaths did not fit the criteria we had established for inclusion on the Memorial or because we simply did not know enough about their deaths. Many of these killings were never fully investigated in the first place, and in some cases, law enforcement officials were involved in the killings or subsequent cover-ups. And precisely because the killings of African Americans were often covered up or never seriously investigated, we have no doubt that many slayings were not recorded in the sources we checked.

The dedication of the Memorial in 1989 was a memorable event. Family members representing 39 of the 40 martyrs attended and celebrated the lives and contributions of their loved ones. Emmett Till's mother, Mamie Till-Mobley, spoke eloquently at the dedication of her loss, her hopes, and the joy she felt over the fact that many of the forgotten martyrs of the movement were finally getting the recognition that they deserved. But the dedication was tinged with sadness, not simply because those remembered on the Memorial had lost their lives, but because most of the family members in attendance still awaited justice for the killing of their loved one.

The reason justice had not been served was the callous indifference, and often the criminal collusion, of many white law enforcement officials in the segregated South. There simply was no justice for blacks during the civil rights era. The whole criminal justice system – from the police, to the prosecutors, to the juries, and to the judges – was perverted by racial bigotry. Blacks were routinely beaten, bombed and shot with impunity. Sometimes, the killers picked their victims on a whim. Sometimes, they targeted them for their activism. In some cases, prominent white citizens were involved. Herbert Lee of Liberty, Mississippi, for example, was shot in the head by a state legislator in broad daylight in 1961 – and nothing was done.

The victims also included Mack Charles Parker of Poplarville, Mississippi, an Army veteran who was accused of raping a white woman. In 1959, three days before his trial, a lynch mob dragged him from his jail cell, beat him, shot him in the heart, and threw his body in the Pearl River. The mob of eight white men included the jailer, a former deputy sheriff, and a preacher. Though most people in town knew who did it, no one was ever arrested. Finally, persistent FBI agents developed hard evidence against members of the lynch mob. The county prosecutor, who had earlier vowed to not prosecute the crime, refused to present it to a grand jury. U.S. Attorney General William Rogers called the action a "travesty of justice" and ordered the Justice Department to build a federal civil rights case. But a federal grand jury refused to indict, and the mob went free. No one was ever punished.

In many cases, such as the murder of Emmett Till, suspects were brought to trial only to be set free by sympathetic white juries.

There have been sporadic efforts over the years to solve some of the crimes that were ignored at the time by law enforcement officials. In some cases, prosecutors have performed heroically in bringing killers to justice. But the effort has depended, in large part, on the priorities and judgments of individual prosecutors.

The most prominent figure to pursue prosecutions of civil rights era slayings between 1968 and the dedication of the Memorial was Alabama Attorney General Bill Baxley. Shortly after he took office in 1971, Mr. Baxley began investigating the Sixteenth Street Baptist Church bombing – one of the most heinous crimes of the era. He doggedly pursued the case, even though the FBI refused to share its voluminous evidence with him. The FBI had investigated the crime extensively at the time it occurred in 1963 and had focused its attention on four local Klansmen with long histories of violence. Despite possessing secret tape recordings that implicated the suspects, FBI Director J. Edgar Hoover had closed the case in 1968 without bringing charges.

Mr. Baxley wrote in *The New York Times* on May 3, 2001, that what he initially attributed to “innocent bureaucratic shuffling” was later revealed to be a “charade.” The FBI finally released evidence to him, but only after a reporter from *The Los Angeles Times*, with whom Mr. Baxley had shared his frustration, threatened to expose the FBI’s obstruction. The combination of the evidence Mr. Baxley developed on his own and the FBI’s evidence was enough to convict Robert “Dynamite Bob” Chambliss of first-degree murder in 1977. But Mr. Baxley still lacked enough evidence to bring charges against two other suspects that the FBI had originally identified – Thomas Blanton and Bobby Cherry.

The case remained closed until U.S. Attorney Doug Jones reopened it in the mid-1990s. Mr. Jones discovered that there was significant evidence that the FBI had not shared with Mr. Baxley during the Chambliss prosecution. This evidence included recordings made by a listening device placed near Blanton’s kitchen sink as well as tapes secretly recorded by Klan informant Mitchell Burns during drinking binges with Cherry and Blanton. Armed with this evidence, Mr. Jones convicted Blanton in 2001 and Cherry in 2002.

In the mid-1970s, Mr. Baxley also tried, unsuccessfully, to prosecute three Klansmen for the 1957 murder of Willie Edwards Jr., a 25-year-old black truck driver who was forced at gunpoint to jump off a bridge into the Alabama River in Montgomery. The indictments of three Klansmen in that case were quashed twice by an Alabama judge who ruled that no cause of death had been specified.

Notwithstanding Mr. Baxley’s success, prior to the dedication of the Memorial, there was little interest in reopening other cases. There was an assumption that most of the murder cases described on it were “cold” and that nothing could be done. In many cases, the assumption had become a self-fulfilling prophecy. There also was a lack of political will to see that justice was done.

Fortunately, the dedication of the Memorial and the publication of our book “Free at Last: A History of the Civil Rights Movement and Those Who Died in the Struggle,” which was released in conjunction with the dedication, sparked renewed interest in these cases. Investigative reporter Jerry Mitchell of *The Clarion-Ledger* in Jackson, Mississippi, whose reporting is often credited with spurring prosecutors to reopen cases from the era, has said the book became a “road map” for his investigations, which began with an examination of the 1963 assassination of NAACP field secretary Medgar Evers. During the October 2005 dedication of the new visitors center for the Civil Rights Memorial, Mr. Mitchell said, “The Memorial stands as a reminder their killers walked free, even though everyone knew they were guilty. ... After its dedication in 1989, it transformed into an instrument of justice.”

Since that time, thanks in part to the hard work of dedicated journalists like Jerry Mitchell, authorities in two Southern states (Alabama and Mississippi) have convicted 10 people in connection with 11 murders from the civil rights era. Six of those convictions were for 10 deaths chronicled on the Memorial. (There also have been convictions in connection with racial slayings from the 1960s in Indiana and Pennsylvania.) In addition, James Ford Seale is currently on trial in Mississippi for the slaying of two of the martyrs on the Memorial – Charles Eddie Moore and Henry Hezekiah Dee. And former Alabama state trooper James Bonard Fowler has recently been indicted and is awaiting trial in the death of another Memorial martyr – Jimmie Lee Jackson, the Alabama college student whose death sparked the Selma-to-Montgomery march led by Congressman Lewis and others.

But the hard truth is that much more remains to be done.

In 13 of the 40 deaths noted on the Civil Rights Memorial, no one has ever been brought to trial. In 10 of the 40 deaths, defendants were either acquitted by all-white juries or served only token prison sentences. And, of course, there were many more killings than those remembered on the Memorial. Our files include the case of Thomas Brewer, a prominent physician killed in Georgia in 1956. He was a local NAACP activist who was shot seven times in a department store by a white politician. No indictment was ever brought. There was Sam O’Quinn from Centreville, Mississippi, who was shot in the back shortly after joining the NAACP in 1959. He had been criticized often by whites in his hometown as being “uppity.” There was Sylvester Maxwell, whose body was found castrated and mutilated in Canton, Mississippi, in 1963. NAACP field secretary Medgar Evers saw it as a probable lynching; no arrests were made. There was 15-year-old Larry Bolden, shot in the chest by a white Chattanooga policeman responding to a call about teenagers making too much noise in 1958.

In February of this year, after reading a story in *The New York Times* about the FBI’s “cold case” initiative, launched in 2006, we forwarded a copy of our book “Free at Last” (the story of the 40 martyrs) and our files on the 75 other cases to the FBI. The article said the FBI had compiled a list of 51 victims in 39 cases, most of which had never been investigated by the FBI; we don’t know the extent to which our list and theirs overlap. After we forwarded our list, I was asked to appear at a press conference with Attorney General Alberto Gonzalez and FBI Director Robert Mueller. I was honored to be included. The press conference was held on Feb. 27 – ironically, the same day that a grand jury in Mississippi declined to issue any new indictments in the Till case.

We applaud the Justice Department’s and the FBI’s interest in resolving the civil rights-era cases. We wish

that this had always been a high priority. To ensure that it continues to be so, Congress should mandate that these efforts be coordinated and focused, while providing adequate funding and establishing clear reporting requirements. The Emmett Till Unsolved Civil Rights Crime Act would accomplish this goal.

It is appropriate, of course, to name the act for Emmett Till. His slaying in 1955 and his mother's decision to have an open casket at his funeral stirred the nation's conscience and galvanized thousands of committed Americans to join the march for equality. Unfortunately, many others were killed during that march, and many of the killers, like those of Emmett himself, were never successfully prosecuted.

We should not underestimate the difficulties that the passage of time has created in pursuing the civil rights era cases. But we should not let those difficulties – the product of our country's neglect and failure – be an excuse for not doing what we can now. Some of the cases that are today considered "cold" may turn out to have some burning embers, and we should leave no stone unturned in our efforts to resolve them.

During her speech at the dedication of the Civil Rights Memorial, Emmett's mother said, "When my eyes were a fountain of tears, the realization came that Emmett's death was not a personal experience for me to hug to myself and weep, but it was a worldwide awakening that would change the course of history." The fact that no one was ever punished for Emmett's death would not have surprised or deterred her. Instead, it would have only strengthened her commitment to justice for the other victims of the racial terrorism that plagued our country for so long.

It should strengthen our resolve as well.